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		COPY	
I1	Charles E. Lipsey (pro hac vice) L. Scott Burwell (pro hac vice) 01 007 30	PN 4:08	
2	FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. CLEAK, M.S. CLEAKER CAURT GARRETT & DUNNER, L.L.P. SUCHARN DESTRICT OF CALIFORNA		
3	1300 I Street, N.W., Suite 700 Washington, D.C. 20005-3315		
4	Telephone: (202) 408-4000 Facsimile: (202) 408-4400	DEPUTY	
5	Thomas W. Banks (SBN 195006)		
6	FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.		
• 7	245 First Street, 18 ^a Floor Cambridge, Massachusetts 02142		
8	Telephone: (617) 444-8508 Facsimile: (617) 444-8608		
9	WRIGHT & L'ESTRANGE		
10	John H. L'Estrange, Jr. (SBN 49594) Imperial Bank Tower, Suite 1550		
11	701 "B" Street San Diego, California 92101-8103		
12	Telephone: (619) 231-4844		
13	Attorneys for Defendant VYSIS, INC.		
14	UNITED STATES DISTRICT COURT		
15 16	SOUTHERN DISTRICT OF CALIFORNIA		
17	GEN-PROBE, INCORPORATED,	CASE NO. 99CV 2668H (AJB)	
18	Plaintiff,	DECLARATION OF L. SCOTT BURWELL IN SUPPORT OF VYSIS'	
19	v.	OPPOSITION TO GEN-PROBE INCORPORATED'S MOTION FOR	
20	VYSIS, INC.,	PARTIAL SUMMARY JUDGMENT OF NONINFRINGEMENT UNDER	
21	Defendant.	THE DOCTRINE OF EQUIVALENTS	
22		Date: November 13, 2001 Time: 10:30 a.m.	
23		Place: Courtroom 1	
24		FILED BY FAX	
25		• •	
26	I, L. Scott Burwell, declare and state as follows:		
27	1. I have personal knowledge of the facts set forth in this declaration.		
28			
		Case No. 99CV 2668H (AJB	
	11		

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2. I am an attorney licensed to practice in the Commonwealth of Virginia and the District of Columbia and am admitted pro hac vice in this case in the United States District Court for the Southern District of California. I am an associate at the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., and represent Defendant Vysis, Inc. in this litigation. 4

3. Attached as Exhibit A to this declaration is a true and correct copy of a publication by Craig S. Hill, Ph.D., entitled "Gen-Probe Transcription-Mediated Amplification: System Principles."

4. Attached as Exhibit B to this declaration is a true and correct copy of an excerpt from Dr. Daniel L. Kacian's laboratory notebook number 1728.

5. Attached as Exhibit C to this declaration is a true and correct copy of pages 202-203 of 10 the deposition of Dr. Daniel L. Kacian. 11

6. Attached as Exhibit D to this declaration is a true and correct copy of a publication by 12 Powell et al., "A Novel Form of Tissue-Specific RNA Processing Produces Apolipoprotein-B48 in 13 Intestine," Cell 50:831-40 (1987). 14

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 29th day of October, 2001, at Washington, D.C.

L. Scott Burwell

<u>EXHIBITS</u> Declaration of L. Scott Burwell in Support of Vysis' Opposition to Gen-Probe Incorporated's Motion for Partial Summary Judgment of Noninfringement under the Doctrine of Equivalents

Exhibit A	Publication by Craig S. Hill, Ph.D., entitled "Gen-Probe Transcription-Mediated Amplification: System Principles."
Exhibit B	Excerpt from Dr. Daniel L. Kacian's laboratory notebook number 1728 [FILED UNDER SEAL]
Exhibit C	Pages 202-203 of the deposition of Dr. Daniel L. Kacian[FILED UNDER SEAL]
Exhibit D	Publication by Powell et al., "A Novel Form of Tissue-Specific RNA Processing Produces Apolipoprotein-B48 in Intestine,"9